



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.09.2019

CORAM :

THE HONOURABLE MS.JUSTICE **P.T.ASHA**

C.R.P. (PD)No.1673 of 2011

and

M.P. (MD) No.1 of 2011

WEB COPY

1.Ramanujam

2.Sarojini

... Petitioners/Petitioners/Plaintiffs
Vs.

1.Ramnujammal (Died)

2.Rajendran

3.Ramalakshmi (Died)

4.Natchiyarammal

5.Ramasamy

6.Raj @ Rajalakshmi

7.Rajasekaran

8.Santhi

9.Naranammal (died)

10.Seenivasan (died)

11.Kasthuri

12.Janakiraman

13.Andal

14.Kamalam

15.Rajaguru

16.Gopalasamy

17.Selvaraj

18.Naranammal

19.Naranammal

20.Lakshmi

21.Amsaveni

... Respondents/Respondents/Defendants

PRAYER: Civil Revision Petition is filed under Section 227 of Constitution of India against to set aside the order dated 26.04.2011 passed in I.A.No.190 of 2011 in O.S.No.54 of 2004 on the file of the District Munsif Court, Sivakasi.

For Petitioner : Mr.K.Gokul

For R11,R12

R20 and R21 : No appearance

R1,3,9 and R10-died

R2,4 to 8, 13 to 18 given up vide EB

O R D E R

The plaintiff, as a revision petitioner, is before this Court
<https://hcmcaas.lawsonsonline.com/hcmcaaservices/> order dated 26.04.2011 passed by the learned



District Munsif, Sivakasi dismissing I.A.No. 190 of 2011 in O.S.No.54 of 2004 which was a petition filed by the revision petitioner/plaintiff for scrapping the earlier Commissioner's report and appointing a new Commissioner.

2. The facts in brief necessary for disposing of this revision petition are as follows:

The revision petitioner/plaintiff has filed a suit for declaration and for consequential injunction. The claim of the plaintiff is that there is a Odai in the suit property. From the records, it is seen that two applications were earlier filed for a similar purpose namely I.A.No.284 of 2004 as well as I.A.No.462 of 2007. The Commissioners have inspected the property and has submitted report and both have opined that the property on site does not coincide with the property described as suit schedule land. After the matter was posted for trial, the petitioner has come forward with the above application. The same has been opposed by the respondent stating that it is nothing but a ruse to protract the proceedings. The learned Judge after considering the facts and records proceeded to dismiss the said application and challenging the said order, the revision petitioner is before this Court.

3. Heard the learned counsel.

4. Records would reveal that the plaintiff/petitioner come forward with the pleadings that the suit property belongs to him and the suit property had specific boundaries and has taken out the earlier application I.A.No.284 of 2004 and thereafter I.A.No.462 of 2007 for the very same purpose as in the impugned petition. The Commissioners have visited the property and submitted a report. The report does not find favour with the plaintiff as they have categorically opined that the suit property as described does not exist on site. The court below has rightly dismissed the said application as being an attempt to protract the proceedings. I do not find any infirmity in the order passed by the learned Judge.

5. In fine, this Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar (w)

// True Copy //

Sub Assistant Registrar (CS)



To **மேலும் உரிமை**

The District Munsif Court, Sivakasi.

+1 CC to M/s.K.GOKUL, Advocate (SR-89113[F] dated 25/09/2019)

+1 CC to M/s.P.ATHIMOOLAPANDIAN, Advocate (SR-89748[F] dated 26/09/2019)

C.R.P. (PD)No.1673 of 2011

and

M.P. (MD) No.1 of 2011

24.09.2019

KM/(15.10.2019) 3P 4C